

In the Court of Appeals of the State of Alaska

Steve Claudy Lapitre,

Appellant,

V.

State of Alaska,

Appellee.

Court of Appeals No. A-12396

Order

Date of Order: June 10, 2019

Trial Court Case # 3AN-12-08826CI

The Appellant, Steve C. Lapitre, litigated a felony merit appeal in this Court. *See Lapitre v. State*, Alaska App. Memorandum Opinion No. 6768 (February 6, 2019). Mr. Lapitre was represented at public expense by Doug Miller, through a contract with the Office of Public Advocacy.

After the appeal was decided, the Clerk of the Appellate Courts notified Mr. Lipitre that she intended to enter judgment against him for attorney's fees in the amount of \$1,500. *See* Appellate Rule 209(b)(6). Mr. Lipitre now seeks judicial review of the Clerk's decision.

Appellate Rule 209(b)(6) requires indigent appellants whose convictions are affirmed on appeal to reimburse the government some of the cost of the attorneys who represent them at public expense. Because this Court affirmed the superior court's judgment in this appeal, Mr. Lipitre is required to reimburse the government some of the cost of the attorney who represented Mr. Lipitre at public expense.

Mr. Lipitre, however, asserts that he should not have to pay the judgment for attorneys fees because he filed a petition for hearing in the supreme court, and his conviction can still be reversed. But the supreme court has denied Mr. Lipitre's petition;

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therefore, Mr. Lipitre's conviction was not reversed. (See Order dated May 15, 2019, Case No. S-17395). To the extent that Mr. Lapitre indicates that he has also filed an original application, he is mistaken. The Appellate Clerk's Office has no record that Mr. Lipitre has filed an original application in this case.

For these reasons, the decision of the Clerk is **AFFIRMED**.

Entered at the direction of Chief Judge Allard.

Clerk of the Appellate Courts



Ryan Montgomery-Sythe, Chief Deputy Clerk

cc: Steve Lapitre (at Goose Creek Correctional Center)

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